

UNITED STATES DISTRICT COURT

for the
District of NebraskaUnited States of America
v.

Case No. 8:14MJ310

ANTONIO BERTUCCI

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/13/2014 in the county of Thurton in the
O.I. Reservation District of Nebraska, the defendant(s) violated:*Code Section*

18 U.S.C. 117(a)(1)

Offense Description

On or about the 13th day of October, 2014, within the boundaries of the Omaha Indian Reservation, in the District of Nebraska, the defendant, ANTONIO BERTUCCI, having been convicted in the District Court of Woodbury County, Iowa of Domestic Abuse Assault, 2nd offense, on March 20, 2014 and Domestic Abuse Assault, on January 30, 2013, each of which involved an assault against a spouse or intimate partner of ANTONIO BERTUCCI, assaulted C.M., a person with whom the defendant shares a child, has cohabitated with and is similarly situated to a spouse, in that the defendant, ANTONION BERTUCCI, punched C.M. in the face and bit her on her arm.

In violation of Title 18, United States Code, Section 117(a)(1).

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

FBI SA Jeffrey Howard

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov 21, 2014*Judge's signature*City and state: Lincoln, Nebraska

U.S. Magistrate Judge Cheryl R. Zwart

Printed name and title

District of Nebraska

Omaha, Nebraska

AFFIDAVIT

I, Jeffrey Howard, being duly sworn, depose and say:

1. That I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed since January 31, 1999. In the course of my official duties I was charged with the investigation of crimes occurring on the Indian Reservations of Nebraska, including the Omaha Indian Reservation, located in Thurston County, Nebraska, within the District of Nebraska. The information contained in this affidavit is the result of investigation conducted by SA Seaman of FBI or other law enforcement agencies known to me to be trustworthy and reliable. SA Seaman briefed me on the investigation including the information contained in the paragraphs below.
2. The statements in this affidavit are based upon my experience and background as a Special Agent (SA) of the FBI and upon my investigation and review of pertinent evidence collected to date. Since this affidavit is being submitted for the limited purpose of securing a Complaint, I have not included each and every known fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that evidence and instrumentalities of violations of Title 18 U.S. Code (USC), Section 117.
3. On or about 10/15/2014, a computerized criminal history (CCH) was run for ANTONIO RICO BERTUCCI, a Native American male, date of birth XX/XX/1991, residing at 113

Heritage Hills, Macy, NE, Social Security Number XXX-XX-2331.

4. The CCH revealed ANTONIO RICO BERTUCCI was convicted of Domestic Abuse Assault, IA708.2A(2)(B), a serious misdemeanor causing bodily injury or mental illness, in Woodbury County, Sioux City, Iowa, on January 30, 2013. ANTONIO RICO BERTUCCI was sentenced to 10 days in state prison, received 10 days credit for time served, and a was ordered to pay a fine of \$315.00.
5. The CCH revealed ANTONIO RICO BERTUCCI was convicted of Domestic Abuse Assault - 2nd Offense, IA708.2A(3)(B), a serious misdemeanor, in Woodbury County, Sioux City, Iowa, on March 20, 2014. ANTONIO RICO BERTUCCI was sentenced to 365 days jail, received a suspended sentence, and placed on probation.
6. In reviewing the Woodbury County police reports SA Seaman learned that the victim, K.P., was the mother of three of ANTONIO RICO BERTUCCI's children. The children are 1, 2, and 3 years old. During an interview with K.P. she revealed she was previously in an intimate relationship with ANTONIO RICO BERTUCCI and they lived together, with their children, during approximately August 5, 2013 - June 15, 2014 in Sioux City, Iowa.
7. ANTONIO RICO BERTUCCI has 4 criminal complaints in the Omaha Tribal Court in Macy, Nebraska for Domestic Abuse and is awaiting a jury trial, tentatively scheduled for January 9, 2015. These complaints involve allegations of assault on July 08, 2014, August 24, 2014, October 2, 2014, and October 13, 2014. Against C.M., a Native American female.
8. On 11/14/2014 SA Seaman interviewed C.M. at the Omaha Nation School; C.M. advised SA Seaman she is a former girlfriend of ANTONIO RICO BERTUCCI. C.M. described being

in an "on and off" relationship with ANTONIO RICO BERTUCCI. C.M. lived with ANTONIO RICO BERTUCCI at 107 Flood Road from approximately August 01, 2014 - September 30, 2014. C.M. and ANTONIO RICO BERTUCCI then started staying at ANTONIO RICO BERTUCCI's mother's house 113 Heritage Hills, Macy, NE where they lived together from approximately September 1, 2014 until mid October 2014 when ANTONIO RICO BERTUCCI was taken into custody for Domestic Abuse against C.M. During the time C.M. and ANTONIO RICO BERTUCCI resided together they had an intimate relationship. C.M. informed SA Seaman that ANTONIO RICO BERTUCCI is the biological father of her 8 month old child.

9. C.M. advised SA Seaman on October 13, 2014 ANTONIO RICO BERTUCCI escaped custody of Omaha Nation Law Enforcement Services (ONLES) and fled to C.M.'s father's residence at 108 Flood Road where C.M. was staying with her infant son. ONLES checked the residence to see if ANTONIO RICO BERTUCCI was there. ANTONIO RICO BERTUCCI hid from ONLES and C.M. did not notify them that he was there. Shortly after C.M. told BERTUCCI that she wanted to get up and do something, that she did not want to lay around all day. ANTONIO RICO BERTUCCI became irritated. C.M. went into the bathroom to get ready. ANTONIO RICO BERTUCCI went into the bathroom and began to hit C.M. on the face with a closed fist and bit her arm. C.M. was holding her 8 month old son, during the altercation the infant was hit on the head by ANTONIO RICO BERTUCCI when he was attempting to hit C.M.

10. C.M. further advised SA Seaman ANTONIO RICO BERTUCCI had earlier assaulted her on October 2, 2014 at 107 Flood Road in Macy, Nebraska. C.M. stated that ANTONIO RICO BERTUCCI became upset with C.M., held her against her will

at the residence, and physically beat her. During the altercation ANTONIO RICO BERTUCCI hit C.M. multiple times in the face with a closed fist resulting in two black eyes, swelling to her face and a knot on her forehead. ANTONIO RICO BERTUCCI also bit her right wrist.

11. Additionally, the aforementioned facts provide evidence of probable cause to believe that ANTONIO RICO BERTUCCI committed the offense of Domestic assault by a habitual offender in Indian Country, in violation of Title 18, USC., Section 117.



Jeffrey Howard
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 21st day of
November, 2014.



U.S. Magistrate Judge